

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo		Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

JURY TRIAL – Day 23

On December 17, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

Counsel for the Defendant moved the Court to preclude the Commonwealth from presenting victim impact testimony at sentencing if there is a sentencing phase. The Court, after hearing argument, denied the Defendant's motion.

The jurors returned to the jury room, received the written instructions of the Court and all the exhibits that were admitted into evidence and began their deliberations.

The Court, being of the opinion that this case could not be completed today, admonished the jurors as to their behavior during the recess and continued this case to December 18, 2003, at 9:00 a.m. for further deliberations.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 17, 2003.

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JANE MARUM ROUSH
JUDGE DESIGNATE